

**FLATHEAD COUNTY
FLOODPLAIN DEVELOPMENT
APPLICATION FOR A VARIANCE**

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Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 500

APPLICANT: (Please print or type)

NAME: HANSEN, NICHOLAS & DIANE

ADDRESS: P.O. BOX 262 Phone: 758.2600

CITY/STATE/ZIP: DAYTON, MT 59914

INTEREST IN PROPERTY: OWNERS

OWNER: (If different from above)

NAME: _____

ADDRESS: _____ Phone: _____

CITY/STATE/ZIP: _____

LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:

Street Address 523 E. COTTONWOOD DRIVE KAUSPELL, MT

Legal Description: (Subdivision, Lot and Block Number, or Tract Number; and Section, Township and Range) TRACTS 3M + 3 HB, SEC 3, T28N, R21W, P.M., M.

FLATHEAD COUNTY, MONTANA

DATE PROPERTY ACQUIRED: 2005

I/We are requesting a variance from the Flathead County Floodplain and Floodway Management Regulations as described in Section 4.04 of the stated regulations. Below is a summary of the project and findings as to the need and appropriateness of the variance.

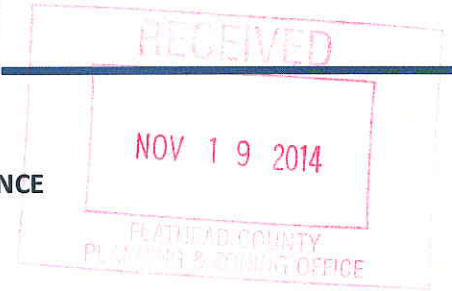
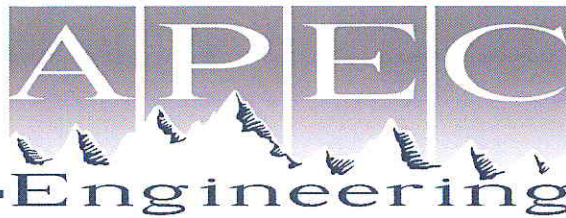
REASON FOR VARIANCE: ALLOW FILL PLACEMENT PER FCPFMR FOR RESIDENCE

WHILE RETAINING USE AND FUNCTION OF EXISTING GARAGE AND

WASTEWATER TREATMENT AND DISPOSAL SYSTEM.

SECTION OF REGULATIONS VARIANCE REQUEST APPLIES TO: _____

5.03.L.2



FLATHEAD COUNTY FLOODPLAIN DEVELOPMENT APPLICATION FOR VARIANCE

APPLICANT: Nicholas & Diane Hansen

PROPERTY: 523 EAST Cottonwood Drive, Kalispell
Tracts 3M & 3HB, SEC 3, T28N, R21W, FLATHEAD COUNTY, MT

REGULATION SECTION TO WHICH RELIEF IS REQUESTED: 5.03.L.2: Flathead County Floodplain and Floodway Management Regulations.

PROJECT BACKGROUND:

In summer 2014 a structure fire destroyed a single family home on the subject property located at 523 East Cottonwood Drive in unincorporated Evergreen, Flathead County Montana. The home had been present and occupied on the site since approximately 1970. Examination of the structure by insurance professional declared it to be a total loss.

Subject property is a single parcel, although comprised of two Tract ID's (Tracts 3M & 3HB), located in Section 3, T28N, R21W, Flathead County. Subject property address is 523 East Cottonwood Drive. Subject parcel contains roughly 1.4 acres in gross, being approximately 1.0 acres outside of a bisecting 60' Flathead County road right-of-way for East Cottonwood Drive. Destroyed in the fire event was a three-bedroom residence (approx. 24' x 50', single floor w/ crawlspace) circa 1970. Undamaged was a (unattached) single vehicle garage / shop. Both structures date from roughly 1970 or thereabouts, pre-dating the establishment/adoption of FEMA FIRM floodplain mapping of this area.

The subject property and project location locates entirely within FEMA delineation mapping and study as depicted on FEMA FIRM Panel# 30029C 1810H. The entire subject property lies within ZONE AE SFHA including the trace of East Cottonwood Drive. The entire subject parcel lies outside of the regulatory FLOODWAY and therefore within the FLOOD FRINGE. Regulatory Base Flood Elevation (BFE) at this location is 2920.1' (all elevations herein are NAVD 88). Site specific topographic mapping confirms the ZONE AE designation.

A USDHS FEMA Elevation Certificate was completed for the fire destroyed residential structure in November 2013. Finished floor elevation was determined to be 2920.78'. Crawlspace elevation was 2916.77'. Adjacent grade surrounding the residence was established as 2917.94 to 2918.69'. To summarize: finished floor was found to be above BFE, crawlspace and exterior grade surrounding the residence were found to be below.

The subject parcel and the fire-destroyed residence is/was served by an undamaged subsurface wastewater treatment and disposal system (septic system) per Flathead County permit # 904641662 and Montana DHES COSA # 15-89-S131-578. The septic tank is located south and easterly of the southwest corner of the fire destroyed residence. The drainfield is located to the east of the fire destroyed residence. Offset from the previous foundation wall to the drainfield is 8' and specifically allowed by the permit due to various setback conditions present at the subject property. The existing

system is grandfathered for, and only for, the specified use, according to Flathead County sanitarian (pers. Comm., 6 August 2014) for purposes of serving a repaired or replacement residence. The system is approved for a 3 bedroom single family home and any replacement structure shall not exceed that design layout or usage. Relocation of the subsurface wastewater treatment and disposal system is not possible per current sanitary regulations and setbacks.

Also undamaged by the 2014 fire event is an unattached, wood-frame single vehicle garage / shop. This structure retains full functionality and remains in satisfactory condition. The owners wish to retain this structure and the adjacent driveway as their full functionality remain. Less than 13 feet separate the east garage wall and the footprint of the former home.

The property owners wish to replace the single family home and restore the property to its long-term residential usage. Setbacks per R-1 zoning as well as site specific limitations govern the footprint of the replacement structure. Only the north boundary of the former footprint is expandable and the owners wish to retain the option for a small (8') expansion in the footprint in that direction. Compliance with current Flathead County Floodplain Regulations requires a number of modifications to the site in preparation for installation or construction of a replacement home. Elevation requirements for finished floor, crawlspace, adjacent grade and other regulatory requirements per section 5 and the remainder of the Flathead County Floodplain and Floodway Management Regulations can be met per the proposed site modification project plans with exception of the stipulations of Section 5.03.L.2: **"Suitable fill shall be at an elevation no lower than the BFE and shall extend for at least fifteen feet, at that elevation, beyond the structure in all directions"**.

VARIANCE REQUEST:

While the proposed project entails placement of fill materials to construct a 15 foot buffer around the building envelope at or above BFE in the north and south direction, extending the fill envelope that distance to the east would both overlay and entail disturbance and compaction above the existing wastewater disposal drainfield. Both the Flathead County Environmental Health Sanitarian and the project engineer are opposed to placement of fill or any construction activity upon the existing drainfield. Additionally the location of the existing garage structure, the location of its secondary access door, and the construction of its foundation precludes the full 15' extension of the buffer on the west margin of the building envelope as well.

Therefore a variance is requested to 5.03.L.2 to allow for a reasonable lessening of the 15' requirement at or above BFE in only the westerly and easterly directions as per the project plans such as to avoid encroachment on the existing drainfield and to preserve access and usability of the existing garage structure.

EVALUATION FINDINGS PER APPLICATION

- a. Good and sufficient cause per the site specific conditions and existing infrastructure as above.
- b. Failure to grant variance would result in substantial financial burden and may preclude the possibility of replacing any sort of residence and necessary utilities on the subject property.
- c. Owner declares there are and shall be no dwellings with basements or lowest floor elevation below the BFE except as per d. to follow.

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- d. Owner declares crawl space, if utilized, for replacement home shall not extend more than two (2.0) feet below lowest adjacent grade of 2920.55' as per plan. Dimension from crawlspace base to bottom of living floor shall not exceed five (5.0) feet. Crawlspace, if utilized, shall meet 5.03(M)(3).
- e. The granting of this variance will result in no significant impact on flood heights, nor impacts to any structures on or off-site, nor to flood character, safety, insurability, or any other public or private interest. The sole impact is to allow for restoration of residential use of the property and slightly decrease the volume of fill utilized in revising the residential site per current regulation.
- f. Fill body for building site shall require no flood-proofing. Owner declares replacement residence shall meet all floodproofing requirements per Flathead County Floodplain and Floodway Management Regulations.
- g. The variance as proposed per the project plan is the minimum needed to protect the existing drainfield and preserve use and access to the existing garage. Dimensions, grades and slopes are engineered to maximize fill envelope and provide reasonable grades at the margins per purposes of this variance request.
- h. The complexities of the site and the nature of the damage to the residence do not allow for a workable alternative location.
- i. This variance acts to minimize the alteration to the existing site condition and therefore lessens any actual or perceived obstructive potential.
- j. The replacement residence site shall provide substantially improved security to the structure in a flood event than the prior home because of compliance with current regulations. The variance should have no impact on structure securement. The variance by lessening total fill volume would only decrease any net potential of sediment scour and transport onto other properties.
- k. Site plan for project incorporating the variance includes provisions for exceeding elevation requirements, and providing for compaction and site stabilization to minimize potential for fill body erosion or disturbance.
- l. The use of engineer approved materials and site stabilization are indicative of intent for permanent residential use. The variance has no differential impact on permanence other than to provide for capability to return site to intended use.
- m. Being the variance provides for opportunity to restore the residential use of the property it could only be seen as beneficial to the development of the area. Otherwise the property may suffer from blight resulting from loss of function.
- n. Hydraulic effects per the variance are negligible. Property values and aesthetic affects shall be beneficial to neighboring and vicinity properties.
- o. Entire property and project site lies outside of the demarcated Floodway. While the impact on BFE in the flood fringe is negligible, the variance nonetheless being a decrease in fill volume would only lessen any conceivable impact.
- p. Inquiry with DNRC indicated their protocol would be concurrent review of joint application with submittal to county, or to review upon referral with review request form County Planning.

4 November 2014

Joe B. Matulevich

APEC, Inc.

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EVALUATION OF VARIANCE APPLICATION:

Variances shall only be issued by the Board of Adjustment if **all** of the following findings are met. Please describe in detail on a separate document how your project meets each of the following required findings:

- a. There is a good and sufficient cause;
- b. Failure to grant the variance would result in exceptional hardship to the applicant;
- c. There are no basements nor residential dwelling that has the lowest floor elevation below the Base Flood Elevation;
- d. Crawl spaces are no more than two (2) feet below the exterior lowest adjacent grade and must have an inside dimension from interior ground to the bottom of the living floor of less than five (5) feet. The crawl spaces must meet the dry flood proofing requirements in Section 5.03(M)(3);
- e. Granting of a variance will not result in increased flood heights to existing insurable buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
- f. The proposed use is adequately flood proofed;
- g. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- h. Reasonable alternative locations are not available;
- i. There is no danger to life and property by water that may be backed up or diverted by the obstruction or use;
- j. There is no danger that the obstruction or use will be swept downstream to the injury of others;
- k. Incorporates measures in the construction or alteration of the obstruction or use that lessens the danger;
- l. The permanence of the obstruction or use;
- m. There is no adverse affect to anticipated development in the foreseeable future of the area that may be affected by the obstruction or use;
- n. There is no adverse affect to existing properties or structures;
- o. Any increase to the Base Flood Elevation in a Floodway has been approved by FEMA for flood insurance purposes and any increase to the Base Flood Elevation in the Floodway or Flood Fringe of more than 0.5 feet is an alteration of the Regulated Flood Hazard Area has been duly amended pursuant to Section 1.13;
- p. That the Montana Department of Natural Resources and Conservation (DNRC) has considered and provided comments, based on technical review.

OTHER SUBMITTALS:

1. Completed application with appropriate fee payable to FCPZ.
2. A Certified list of property owners and their mailing addresses within 150-feet of any property line of the subject property (excluding any surrounding right-of-way) must be submitted with each application
3. Detailed plans and specifications for the project.

Applicant signature:  Date: 11/15/2014

ATTENTION:

A Certified adjoining landowners list must be included upon submission of your application. The form attached to the back of this application must be filled out, signed by a planner, & then taken to the GIS department (3rd floor of Courthouse) to be initiated. The cost is \$75, payable to the GIS office. Your certified list will be available for pick up **one week from the date ordered** and can be picked up in the Plat Room. You may also get a certified adjoining landowners list from a title company if you choose.

Incomplete applications will not be accepted.

Updated 4/15/13